

TAB

No 18 of 1941.

A LAW TO MAKE PROVISION FOR THE PREVENTION AND SETTLEMENT
OF TRADE DISPUTES AND TO PROVIDE FOR THE ESTABLISHMENT
OF ARBITRATION TRIBUNALS AND BOARDS OF INQUIRY.

J.V.W. SHAW,)

(19 November, 1941.

Officer Administering the Government.

Be it enacted by His Excellency the Officer Administering
the Government and Commander-in Chief of the Colony of Cyprus
as follows:-

Short title. This Law may be cited as the Trade Disputes (Conciliation,
Arbitration and Inquiry) Law, 1941.

Interpre-
tation

2.-(1) In this Law the following expressions have the meanings
hereby respectively assigned to them, that is to say:-

"trade dispute" means any dispute or difference between
employers and workmen, or between workmen and workmen, connected
with the employment or non-employment, or the terms of the
employment, or the conditions of labour, of any person;

"workman" means any person who has entered into or works
under a contract with an employer whether the contract be by
way of manual labour, clerical work, or otherwise, be expressed
or implied, oral or in writing, and whether it be a contract of
service or of apprenticeship or a contract personally to execute
any work or labour.

Application of Law to the Crown. (2) This Law shall not apply to persons in the naval, military
or air services of the Crown, or to the Cyprus Police Force, but
otherwise shall apply to workmen employed by or under the
Crown in the same manner as if they were employed by or under
a private person.

Trade
disputes
may be
reported
to the
Governor

3.-(1) Any trade dispute as defined by this Law, whether existing
or apprehended, may be reported to the Governor by or on behalf
of either of the parties to the dispute, and the Governor shall
thereupon take the matter into his consideration and take such
steps as seem to him expedient for promoting a settlement thereof.

Reference
of dispu-
tes to
arbitration
tribunal
and con-
stitution

(2) Where a trade dispute exists or is apprehended, the
Governor may, subject as hereinafter provided, if he thinks fit,
and if both parties consent, refer the matter for settlement to
an Arbitration Tribunal constituted of either-

- (a) a sole arbitrator appointed by the Governor; or
- (b) an arbitrator appointed by the Governor, assisted by one or
more assessors nominated by or on behalf of the employers

of the
Tribunal.

concerned and an equal number of assessors nominated by or on behalf of the workmen concerned, all of whom shall be appointed by the Governor;

Provided that the award shall be made and issued by the arbitrator only; or

(c) one or more arbitrators nominated by or on behalf of the employers concerned and an equal number of arbitrators nominated by or on behalf of the workmen concerned, and an independent chairman, all of whom shall be appointed by the Governor:

Provided that where all the members of the Tribunal are unable to agree as to their award, the matter shall be decided by the chairman as sole arbitrator.

Means of
conciliati-
on before
reference
to Tribunal.

(3) If there are existing in any trade or industry any arrangements for settlement by conciliation or arbitration of disputes in such trade or industry, or any branch thereof, made in pursuance of an agreement between organizations of employers and organizations of workmen representative respectively of substantial proportions of the employers and workmen engaged in that trade or industry, the Governor shall not, unless with the consent of both parties to the dispute, and unless and until there has been a failure to obtain a settlement by means of those arrangements, refer the matter for settlement in accordance with the foregoing provisions of this section.

Vacancies
on the
Tribunal.

4.-(1) Whenever an Arbitration Tribunal consists of more than one arbitrator and any vacancy occurs in their number the Tribunal may, with the consent of the parties, act notwithstanding such vacancy.

(2) Whenever the Tribunal consists of an arbitrator assisted by assessors and any vacancy occurs in the number of assessors the Tribunal may in the discretion of the arbitrator either act notwithstanding such vacancy or consent to another assessor being nominated and appointed to fill such vacancy.

(3) No act, proceeding or determination of the Tribunal shall be called in question or invalidated by reason of any such vacancy, provided that in the circumstances referred to in sub-section (1) of this section the required consent has been first obtained.

Award of
Tribunal
not to
confit
with any law

5. Where any trade dispute referred to an Arbitration Tribunal involves questions as to wages, or as to hours of work, or otherwise as to the terms or conditions of or affecting employment which are regulated by any Law other than this Law, the Tribunal shall not make any award which is inconsistent

with the provisions of that Law.

Publication of the award. 6. Any Award of an Arbitration Tribunal shall be submitted to the Governor who shall as soon as possible thereafter cause the same to be published in such manner as he thinks fit.

Interpretation of the award. 7. If any question arises as to the interpretation of any award of an Arbitration Tribunal, the Governor or any party to the award may apply to the Tribunal for a decision on such question, and the Tribunal shall decide the matter after hearing the parties, or without such hearing provided the consent of the parties has been first obtained. The decision of the Tribunal shall be notified to the parties and shall be deemed to form part of and shall have the same effect in all respects as the original award.

Governor may enquire into trade disputes and powers to appoint Board of Inquiry. 8. Where any trade dispute exists or is apprehended the Governor may, if he thinks fit, whether or not the dispute is reported to him under this Law, exercise all or any of the following powers:-
 (a) enquire into the causes and circumstances of the dispute;
 (b) take such steps as seem to him expedient for promoting a settlement of the dispute;
 (c) refer any matters appearing to him to be connected with or relevant to the dispute to a Board of Inquiry appointed by him for the purpose of such reference.

Constitution of Board, Reports and publication thereof. 9. (1) The Board of Inquiry (hereinafter in this Law referred to as "the Board") appointed under paragraph (c) of section 3 of this Law shall consist of a chairman and such other persons as the Governor thinks fit to appoint, or may, if the Governor thinks fit, consist of one person appointed by the Governor.
 (2) The Board may act notwithstanding any vacancy in its number.
 (3) The Board shall enquire into the matters referred to it and submit its report thereon to the Governor. Any minority report shall also be submitted.
 (4) The Board may, if it thinks fit, make interim reports.
 (5) The Governor may cause to be published from time to time, in such manner as he thinks fit, any information obtained or conclusions arrived at by the Board as the result or in the course of the inquiry;

Provided that there shall not be included in any report or publication made or authorized by the Board or the Governor any information obtained by the Board in the course of the inquiry as to any trade union or as to any individual business (whether carried on by a person, firm or company) which is not

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available otherwise than through evidence given at the inquiry, except with the consent of the secretary of the trade union or of the person, firm or company in question, nor shall any individual member of the Board or any person concerned in the inquiry, without such consent, disclose any such information.

Evidence.

10. For the purpose of dealing with any matter referred to it, the Board shall have full power by order to require any person to furnish, in writing or otherwise, such particulars in relation to such matter as the Board may require, and where necessary to attend before the Board and give evidence on oath or otherwise, and to require the production of documents, so as to elicit all such information as in the circumstances may be considered necessary, without being bound by the rules of evidence in civil or criminal proceedings, and any person who fails to comply with an order of the Board under this section shall be guilty of an offence and shall be liable to a fine not exceeding ten pounds:

Provided always that, if any witness objects to answer any question or to produce any document on the ground that it will tend to incriminate him or on any other lawful ground, he shall not be required to answer such question or to produce such document, nor shall he be liable to any penalties for refusing to do so.

Appearance by Advocate.

11. It shall be in the discretion of an Arbitration Tribunal or a Board of Inquiry, as the case may be, to permit any interested person to appear by an advocate on any proceedings or inquiry under this Law before such Tribunal or Board.

Sittings may be public or private.

12.(1) It shall be in the discretion of an Arbitration Tribunal or a Board of Inquiry, as the case may be, to admit or exclude the public or the press from any of its sittings.

Publication of proceedings.

(2) Whenever the press shall have been allowed to be present at a sitting of the Tribunal or of the Board, and not otherwise, a fair and accurate report or summary of the proceedings including the evidence adduced at that sitting may be published:

Provided however that until the award or the result of the inquiry has been published by order of the Governor, no comment shall be published in respect of the proceedings or the evidence. Any person guilty of a contravention of this provision shall be liable on conviction to a fine not exceeding fifty pounds.

Rules of Proceedings.

13. The Governor in Council may make rules regulating the procedure to be followed by an Arbitration Tribunal or a

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a Board of Inquiry, and whenever any question shall arise in the course of an arbitration or an inquiry in respect of which rules have not been made the Tribunal or the Board, as the case may be, shall regulate its own procedure.

Expenses. 14 - (1) It shall be lawful for the Governor to pay to any arbitrator or assessor or to any member of a Board of Inquiry appointed under this Law such remuneration as the Governor shall think fit.

(2) The Governor may appoint at such remuneration and on such terms and conditions as he may determine such officers and other servants as may be necessary for carrying out the purposes of this Law.

(3) Any expenses incurred in carrying this Law into operation and approved of by the Governor shall be paid out of the Revenue of the Colony on the warrant of the Governor.

19th November, 1941.

R.C.S. STANLEY,
Acting Colonial Secretary.